



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TOLSON MAIL ROOM

APPLICANTS: Bryan et al. PATENT NO. 5,865,846

SERIAL NO.: 09/776,394 GROUP ART UNIT: 3738

FILED: February 2, 2001 EXAMINER: Stewart

FOR: HUMAN SPINAL DISC PROSTHESIS

ATTORNEY DOCKET NO.: 46739/252388

CERTIFICATE OF MAILING

I hereby certify that this document and any other documents referred to as being attached hereto, are being forwarded to Box Reissue, Assistant Commissioner for Patents, Washington, D.C. 20231, via First Class mail, this 5th day of April, 2002.

Robert L. Smith

Assistant Commissioner for
Patents
Washington, D.C. 20231

DATE: April 5, 2002

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

Responsive to the Office action dated December 17, 2001, Applicants respectfully submit the following amendments and remarks in connection with the above-identified reissue application.

IN THE CLAIMS

Please amend the claims as indicated below.

4. (Twice Amended) A method of surgery comprising: [the steps of removing a vertebral disc from a patient's spine, forming holes at precisely the same locations in the bone structure adjacent the location of the removed disc, tapping the